

Richard McAdams: Okay.

David Knight: Give me your name; spell your last name.

Richard McAdams: Richard McAdams. M-c-A-d-a-m-s.

David Knight: And what was your last title?

Richard McAdams: Sorry?

David Knight: Your final title here with the court?

Richard McAdams: Associate Justice.

David Knight: All right. Justice Manoukian, for your mic check, same question: your name – spell your last name – and title.

Patricia Bamattre-Manoukian: Patricia Bamattre-Manoukian. Do you want me to spell that?

David Knight: Yeah, why not?

Patricia Manoukian: B-a-m-a-t-t-r-e M-a-n-o-u-k-i-a-n, Associate Justice, Sixth District Court of Appeal.

David Knight: Excellent. We are ready to go whenever you'd like to begin.

Patricia Manoukian: Good morning. My name is Patricia Bamattre-Manoukian, and today it is my great pleasure to conduct an oral history interview with Justice Richard John McAdams for our Appellate Court Legacy Project. I worked with Justice McAdams from the time of his appointment in 2003 until the time of his retirement in 2011. So let's begin with the question, Justice McAdams, what did you enjoy most about your work at the Sixth District Court of Appeal?

Richard McAdams: Well, I've been gone – let's see, it's been over a year now – about 15 months, and what I think back on, and what I miss the most, is exactly what I feel was the most enjoyable part of the court: was the collegiality, was the opportunity to work with a group, to work as a . . . with a group of colleagues on solving a project. That was our essential goal. And it took me back to the practice of law in a small firm, where the . . . two or three of you could gather at one time and work out a problem for a client. And then off I went to the trial court, where you – even with . . . though you have colleagues – you essentially work alone, as you know, and then to have the opportunity to work with a group. So that was, I think, the most enjoyable part of the work setting, let's say. The work itself, I just enjoyed working . . . getting a legal problem of great interest, great importance, and then to grapple with it and, again, try to solve it – try to get the right answer, as we always said among us as we were here. And to work with one of my attorneys to reach a good result in a case. And have the time to do it, compared to the trial court where you did not have the time to thoroughly research something. Those are two of the things that come to mind: the people, the interesting cases.

2:48

Patricia Manoukian: So let's talk a little bit about your journey to the Sixth District Court of Appeal. Let's start with your background. Can you tell us where you were born, a little bit about your parents and your family, and a little bit about the time you spent growing up?

Richard McAdams: Oh, sure, yeah. I was born in Albany, California. My father was working in the shipyards, like many fathers of his age at that time who were in army reserves and being called up . . . two, three, four times he was called up during the war. And he . . . So we lived over in El Cerrito at the time I was born. My parents had moved from San Francisco over to El Cerrito; they had met in San Francisco and stayed there when my brother was born. And then not long after I was born, my father was told he was . . . this time he really was going to be shipped out. So we moved . . . all of us moved down to Pasadena, which was my father's home, and we moved in with his mother, who was still alive at the time, and relatives, ready for him to ship out. And he . . . the . . . he shipped and then was sent back home again for the final time. The war didn't end for another year or so. But he . . . we stayed down in Pasadena, so I grew up - until the . . . through the third grade, it would have been - in Pasadena and Altadena.

And those were great years. It was a typical suburban place in Altadena, where those years - from, let's say from '44 to '50 - every house had two or three kids. It was a block full of contemporaries. And it . . . memorable of . . . typical of . . . baseball in the street, and hide 'n' seek, and kick the can, and all those wonderful things that kids could do. Riding our bikes everywhere, getting lost, or scaring our parents by wandering off into the Pasadena foothills out there - the Arroyo Seco and all those areas. So I have very fond memories of that area. But, believe it or not, even in 1952, my mother was so bothered by the smog in southern California that . . . and I think she wanted to come up back closer to her parents, so we moved up to San Mateo. And that's where I spent my years from fourth grade all the way through high school - public high school.

Patricia Manoukian: And how many siblings do you have?

Richard McAdams: Older brother. One older brother. He's four and a half years older. And so we grew . . . wonderful years in San Mateo as well. Same kind of neighborhood, same kind of experiences, and a great high school experience at San Mateo High. And I . . . We did all the things that kids do, and . . . including a paper route. I still remark, as I go up to the Bay Area, I'm trying to be . . . I was a scrawny little kid, and doing a paper route at the time with the big newspaper bundles on your handlebars. And if . . . You know the winds that blow off of the San Francisco Bay, and trying to ride my bicycle around, I'd get knocked over all the time. So I used to have a Flexi-Flyer, and I'd use that to deliver my papers on windy days. And so it was great memories. And both of my parents worked, for the most part, during those years.

Patricia Manoukian: What did they do? 6:17

Richard McAdams: My father had been . . . was . . . has always been in the termite business – termite repairman, exterminator, eventually owning a company. And my mother did all kinds of jobs, with everything from grocery store clerk to – oh, gosh, I forget her other jobs. But her family is very rooted in the fashion business. And she was eventually able to get some jobs with department stores, and that developed into a job as fashion coordinator for Macy’s when they opened at Hillsdale, and then eventually at Stanford when they expanded to Stanford. And then she took over for the whole Bay Area for some time, so she had quite a career. Went on and did a newspaper column – weekly column – on fashions, and had quite a career. So we grew up in a wonderful, loving, very typical American family, you know. Middle class, working class, never worried about food or shelter or any of those things. But it’s interesting ‘cause we went to school at the time with . . . first time in my life I’d gone to school with very, very wealthy kids – mostly from Hillsborough and that part, who’d come to San Mateo High – and then really poor kids from other parts of San Mateo. It was quite a spectrum, and something I know all of us who went to high school there, or similar high schools, really treasure, having had that experience to prepare us for later in life.

Patricia Manoukian: So what did you do after you graduated from high school?

Richard McAdams: I wasn’t the world’s greatest high school student. I sort of woke up, I think, in my junior year and decided that I had to get serious about this, and went from mediocre grades to really good grades and had good enough SATs that I could get into college. But my parents, I think, were concerned that I . . . unleashing me on to college. And so I went up to the University of Oregon where my uncle lived – my mother’s youngest brother. So I think their idea was that he’d keep a watchful eye over me. And so I went up there for two years and then transferred down to Cal.

Patricia Manoukian: So that was a huge change, from Oregon down to Cal.

Richard McAdams: You know, it really was. What had happened, Oregon went through one of those streaks where they wanted to get rid of the California kids, so they hiked their out-of-state tuition so high that my parents said “gulp.” And then I . . . during the summer, I was working at Macy’s Stanford and . . . as a stock boy, and my mother was working there as fashion coordinator. And she had worked with this wonderful girl who had just graduated from high school at what was then Holy Cross in Mountain View. And they’d worked together on a fashion show. And this girl was working behind the scenes and was talking to my mother outside afterwards, and my mother said, “Oh, you’ve got to meet my son!” And I come up to pick up my mother, and there was the . . . that was Claire. That *is* Claire, I should say. So the story is always how my mother chose my wife for me. But . . . So Claire and I started dating that summer, and I went back up to Oregon. And I . . . Part of the equation of coming down to Cal was to be closer to my girlfriend, who was then going to go to San Jose State.

Patricia Manoukian: And your mother! And your mother. *[both laugh]* **9:50**

Richard McAdams: Definitely save them a lot of money. But you know, up in Oregon I had so many good friends. And we had a band. In my second year up there, particularly, we had a band that we toured around the state playing every weekend and one or two weeknights a week. A great experience, making good money at the time. You know, it was still peanuts, but still, we were making enough money that I was able to help with college quite a deal, but not enough to cover the tuition. But I still see those bandmates, and we write each other and everything like that; we kept in contact. But it's still . . . . And then I think at that time I knew that I was seriously considering law school and being a California lawyer and felt that being at a California school was the best foundation.

Patricia Manoukian: So you spent your junior and senior year at Cal, . . .

Richard McAdams: Correct.

Patricia Manoukian: . . . and did you engage in any musical endeavors while at Cal?

Richard McAdams: Oh, always, always, yeah, yeah. Playing, you know, here and there. Always trying to find some really good musicians. As I always say, I have mediocre musical talents, but I'm able to somehow . . . . I'm blessed by finding friends who were very good musicians, if not eventually professional musicians – like my friends at Oregon became professional musicians – and I can tuck in there and sound pretty good. So I had earned some pocket change at Berkeley in playing in little divey places, but not as much as at Oregon.

Patricia Manoukian: And when did you marry Claire?

Richard McAdams: Right after graduation. I think we . . . I graduated in June something and we were married the third of July, a Saturday with a three-day weekend; that was our honeymoon. And back to work.

Patricia Manoukian: And back to work. And then what happened after that?

Richard McAdams: Well, then I started law school. That was the summer before law school, and so we moved . . . we . . . when we were married, we rented a flat up on Judah Street in San Francisco, and I went to Hastings. And Claire was working at the telephone company. She'd actually left school and gone back to work once we decided to get married, to start building up some money knowing we were going to be starving students. And she . . . actually it was a great job with the service rep for the phone company. I think all the women she worked with had . . . . In those days, it was . . . all the women were working there, and their husbands were in some form of grad school in San Francisco. So they were quite a crew, and those were . . . made for fun years, considering, as everyone knows, how much . . . what a thrill law school is. But . . . . So I was married, settled down, for . . . . Particularly that first year of law school was, I think, certainly the hardest for me, and I think that's common for a lot of us. And Claire was just a great companion in all of the years of law school, and particularly that first year, though, to understand the limited social time that we had. 12:52

Patricia Manoukian: Did you enjoy law school?

Richard McAdams: No. *[laughs]* Not the first year. The story is that my second year they were calling for volunteers to do some legal research, so I jumped on it. And it was going to be for free; they were going to be public interest cases. And so I remember it was early in the second year, to my recollection, and I got assigned to a law firm who had a legal problem. Their research was the constitutionality of the . . . I think it was the Fresno County loudspeaker ordinance. The client had been arrested or charged somehow – or enjoined, I forget – with violating the loudspeaker ordinance for standing at the side of the agricultural fields or flying over in an airplane or something and using bullhorns to tell the workers to leave the fields and strike. This young farmworker named Cesar Chavez; I did not know of him at the time. So I did the research on that, and the office was able to get the case dismissed – probably nothing to do with my legal research at all. But it was so exciting. It was so exciting to see a legal problem and a research project and something happen. Here it happened to be to the betterment of the client and it turned out to be something of minor historical interest, I guess, as I recall. This was what the firm was telling me; I just did the piece of research. But it so engaged me with the study of law that I always attribute that to sort of be my kickstart to going from a – I don't know – a good law student to a really . . . well, my grades went up, let's put it that way. Maybe it was just that first year. I suffered through Contracts, I suffered through, you know, some of those classes. I was fine for Torts and Criminal Law, to get me ready for the jobs to come. But I struggled through those other topics, I'm not afraid to admit. And then that law firm actually kept me on for paying matters, as well, and I . . . ended up being a great part-time job through the rest of my second year, through the summer, my third year, the summer to take the . . . taking the bar examination, and eventually that's the firm that I joined when I graduated.

Patricia Manoukian: So they kept you on through law school and after you got your bar results.

Richard McAdams: Yes.

Patricia Manoukian: And what type of work did you do at that firm?

Richard McAdams: That firm, I did . . . . For them, my research work was all in maritime law. Maritime personal injuries: seamen, longshoremen. And the occasional what they would call shoreside cases. They'd have the more typical auto accidents. Then I got to do some research as well, whenever they were taking what we now call pro bono work. They did a substantial amount of that, and they were able to let me participate in that kind of work.

Patricia Manoukian: Now, other than the work you did there in maritime law, did you ever have occasion to again do research or handle any cases involving maritime law?

Richard McAdams: I'm sorry, after . . . . 16:03

Patricia Manoukian: After you left that firm.

Richard McAdams: Oh, when I left the firm. I actually did, you know, 'cause I still had my card. I was a Proctor in Admiralty. And I . . . . When I eventually . . . . You know, we'll talk about my Santa Cruz experience, but when I went back into private practice on my own, I actually went . . . handled . . . well, I would get cases referred to me that had a federal court jurisdiction as . . . under admiralty laws and be able to come up to San Francisco – before the San Jose court existed – come up to San Francisco and participate and . . . with my old cronies from both sides of the maritime bar.

Patricia Manoukian: So what is a Proctor in Admiralty?

Richard McAdams: A Proctor . . . . You know, it's a good question, because they allowed at the time that if you practiced in federal court in handling these kinds of cases, you could call yourself Attorney at Law and Proctor in Admiralty. So I'm still introduced in Santa Cruz as . . . by some attorneys there as the only person they know who was a Proctor in Admiralty.

Patricia Manoukian: And I've just learned something about you. I didn't know that about you when we worked together!

Richard McAdams: When I took Admiralty Law my third year, that was my best grade in law school. So even though we didn't handle jetsam and flotsam at our office, that I remember anyway, but I was the person to handle it. But with the firm I did, you know, I did whatever they needed me to do. They would . . . like any junior associate, they'd send me to do . . . I had all the little tiny cases. And my first jury trial was in San Francisco, and it was with a little personal injury case, and it was a poor old guy who was an alcoholic. And we kept him . . . got him dry for the trial, kept him dry. We did the first day of the trial, and the morning of the second day, the judge had a heart attack in chambers and died! My first trial. And we . . . . It was . . . . And that was traumatic enough. And then we went ahead with the trial. I got another judge and continued the case, and my client came in on the third day while I was in the middle of jury argument. He didn't show up, and he came in and in the middle of my argument to the jury I felt a tug on the back of my coat, and he was just completely inebriated. But it was kind of part of the case, 'cause he was kind of a community . . . everybody knew him in the Mission District, and he tried to help out – it's a long story how he got injured – but it played a little bit into my . . . . It was no secret to the jury that he was . . . had alcoholic problems, so . . . .

Patricia Manoukian: So what was the case about?

Richard McAdams: . . . I got a verdict in municipal court, San Francisco. It was a fall; he had fallen down some stairs trying to help a . . . in a doughnut shop when the lights went out. And the . . . . And he was sober at the time he was injured, but then his medical complications . . . . Anyway, getting in all the details there. But the jurisdiction of the municipal court then was \$5,000, and the jury came back with a \$2,500 verdict, which was great for this guy. We put it in trust for him and helped him out a bit. 18:58

But the best thing that happened is the judge who had taken over the case was an old-time San Francisco judge. Before . . . . Between the time I left the courthouse to getting back to the office, he had called my boss – they were old friends from practice in early times in San Francisco – and told him what a great lawyer I was. And he told him, “Give this kid some important cases!” So, a great experience.

The other fun thing I can tell about San Francisco is they sent me down . . . . We had a courier who was a young adult after high school, but he would come in and do a lot of our courier work and just help around the office. And kind of a hard-luck kid from a tough part of San Francisco. And a great kid, though, and everything. But he was arrested for possession of marijuana. Well, this is 1969, and marijuana is a felony. So he’s in custody. So the firm says, “Well, you go down to the Hall of Justice in San Francisco and get him out, and get him out . . .” – well, this is before O.R. – but it would be “get him out on his Promise to Appear” kind of a thing. Well, I didn’t . . . . You know, they send me down to the criminal court, my first experience of walking in there with, you know, as we all know the halls of justice haven’t changed in all these years. And I went into this packed courtroom. It was just absolutely packed with public defenders, and private criminal lawyers, and district . . . several district attorneys all in there. Mass arraignment calendar. And in comes my guy and, you know, I knew “plead not guilty.” And so I stood up . . . . His case is called, and I’m standing there up there in the packed courtroom and “not guilty” and then the judge says to me, “Well, do you waive time?” And I just paused. And I said, “I don’t know what that means.” And the courtroom just stopped, just like that ad, you know. Everybody just freezes. And I remember I kind of turned around to the other attorneys there, and I said, “I’m a civil lawyer. I don’t know what it means.” And the judge didn’t laugh; he didn’t demean me, whatever. He just, in two or three sentences, explained to me what a time waiver means for a preliminary examination. And I said, “Of course we waive time,” and on we went. But it was a lesson I took away, that, you know, that judge could have made fun of me, could have handled it in a variety of ways, but did . . . gave me a lesson that I carried with me through my legal career, let alone my judicial career. So those are two of my favorite stories of life in San Francisco.

Patricia Manoukian: So how long did you enjoy life in San Francisco?

Richard McAdams: Well, it was a wonderful experience, you know, in terms . . . . I think I stayed with that firm until the middle of 1970, so . . . from law school through a year and a half of lawyering. And it was such wonderful work. And I was doing jury trials, I was doing exciting things. But I had a young daughter at the time – young child. Claire wanted to . . . really was going back to school, wanted to go back to school. And, you know, I just saw that as much as I loved the work and loved the law firm, loved San Francisco, the . . . that kind of work was . . . . I don’t know, for some reason I could just see into the future and just see that it was going to be a . . . difficult to be a family person and a commuter – by then we’d moved back down the Peninsula near our folks – and be a trial lawyer in the Bay Area doing that kind of work. I could just see burnout coming. And Claire and I thought long and hard about it and made the 22:38

decision that we would take a turn. So it was . . . . As I said when I left here, I think I've always left my positions in a positive vein to do something more positive or to leave while I was still enjoying what I'm doing rather than moving away from something because of lack of enjoyment. I'm still close to the members of that firm in San Francisco. They have followed my career all my years, invited me back from time to time to come back and join them, but by then I'd taken that path to a . . . . I'd taken a completely different road at that point. But the decision I made at that time was to go into legal services work. That was a burgeoning enterprise in '69 and '70 that was attractive to me.

So Claire and I made the decision to travel, and then I would commit to two years of legal services work somewhere, and then – in my mind – come back into practice in some way, just see where we were at that time. So we started working towards that decision, so that in May of 1970 we embarked from May until October . . . . We sold everything and bought a VW camper and landed in Brussels, Belgium and toured all through Europe for five, five and a half, six months, almost.

Patricia Manoukian: With a newborn baby.

Richard McAdams: Ah, she was a year and a half to two years then. And a great traveler, you know. It's one of our . . . . It became an anchor to our marriage – to our relationship, at least with that child. Definitely a . . . . And of course, you know, the . . . our reputation as having been bitten by the trial . . . by the travel bug – the trial bug, too, I guess – but the travel bug, that was our first time that we . . . . Neither of us had ever traveled with our families beyond the usual Yosemite camping trip or the desert, or, you know, the typical kind of . . . Sequoia National Park, whatever. But certainly not to Europe. And we wanted to do it in grand style where we could take our time. We know that we . . . there'd be no other time in our lives that we could take off this way. And it was no . . . not some hippie adventure or something like that. I had relatively short hair, I had no beard, I might have sprouted a moustache, I think, when I was there. But we were not your, you know, drug-induced hallucinogenic trip through Europe or something like that. It was very stable. Very Catholic. It was a very Catholic trip. And it is one of the fondest memories that we had.

So eventually . . . . And we didn't know whether we would . . . . Actually what we did is we first went to Chicago, where my brother was living at the time, to visit them for a while. Went to Washington, D.C., to see some . . . a classmate of mine who went to Oregon, then to Cal, and then Hastings. We stayed . . . . We still stay close. And I thought – having thought – well, maybe Washington, D.C. would be interesting. But just a little while there with young lawyers was enough to cure me of that. So . . . . But . . . . And we didn't know; maybe I would find something in Europe to do, or . . . . But it became clear after a while that the best thing to do was to come back home.

I started writing legal service groups in California while I was still in Europe, saying that I'd be returning. And I think by then it was going to be late September, we said, and seeing if they had any openings. 26:21

And so we arrived back home by late September and I had a lot of letters of interest waiting, because as it turns out, the legal services programs were still relatively new, had . . . . They had great attorneys. A lot of energy there, a lot of youthful energy. And certainly a lot of legal problems. But my sense was that they were discovering that they had nobody with the experience to put something into a pleading. Or maybe they could do a pleading, but to actually bring it to court by motions, to handle motions, to handle trials. And the word must have gone out as to find a trial attorney who is looking for a change of profession for a while, a change in professional life for a while. So I had great interest in my quest. Again, I was . . . wanted to commit for two years. And so I was interviewed. We . . . . Claire and I went to the four corners of California, being interviewed and offered jobs with different legal services programs at the time. And one them was Santa Cruz Legal Aid Society. Well, you know, for any of us who've grown up in the Bay Area, Santa Cruz is the playground, of course, of fond high school memories and college memories. So I went down for the interview of that job, and it just . . . it happened. I was . . . . So by the end of October, I was . . . . I started there just almost into November of 1970.

Patricia Manoukian: You started working with legal services in Santa Cruz.

Richard McAdams: Correct.

Patricia Manoukian: And is it accurate to say that after traveling with Claire, she went on later in life to become a travel agent?

Richard McAdams: Yes! You know, by then my mother had started a travel agency, in all her . . . . The fashion industry was . . . . She was sort of past doing all that and set up a travel agency. My parents got the travel bug, I think, when . . . sometime around that time as well. And then when we came . . . . Claire had gone back to school at San Francisco State for a bit, but then we went off on this great adventure. And when we got back to Santa Cruz, she enrolled again at UC Santa Cruz, eventually graduating with honors from UCSC. And then went in to set up a child care center for a nonprofit child care center, and then eventually got into the travel business, and eventually opened up her own agency for, gosh, I think 11 years or so. Saw the handwriting on the wall when the Internet was coming in, and now does it as an outside representative with Santa Cruz Travel. So, yeah, we definitely have the travel bug.

Patricia Manoukian: So you worked for two years at legal services and . . . .

Richard McAdams: Yeah, I ended up two and a half. Yeah.

Patricia Manoukian: Two and a half years.

Richard McAdams: Yeah.

Patricia Manoukian: And what type of work did you do there?

Richard McAdams: You know, it was great preparation for muni court, I always say, because it was a mile-a-minute, you know, interviews. You had 20 **29:35**

minutes? I think we used to do 20-minute interviews of, you know, "Find the legal problem, solve it if you can, and get on to the next person." Rapid-fire legal advice. Pretty . . . . It was exciting stuff. But I had to learn so-called . . . what we called "poverty law" at the time, which . . . . A lot of consumer, certainly landlord-tenant. I had a . . . . We had to do a pile of divorces as well. And other . . . welfare cases, those kinds of things. So I tended to more specialize in consumer, landlord-tenant, and the family law part of it.

Patricia Manoukian: And did you try cases during that . . .

Richard McAdams: Yeah.

Patricia Manoukian: . . . time period?

Richard McAdams: Sure, yeah. Not a whole lot. No juries. I don't think I ever did a jury there. But a lot of motion practice. Lot of law and motion. Occasional court trials, you know. And the divorces were usually the . . . almost always default divorces anyway, so that you didn't have to get into property issues or whatever. We had private attorneys; if the case had something to it, private attorneys would help out, either pro bono or low-fee or something like that. That was great.

But it was the . . . . I was in the Santa Cruz office, and we had a small little satellite office in Watsonville. Most of the poor people were in Watsonville – the . . . really, traditionally the farmworking community. And the other significant group of poor in Santa Cruz County at the time were the elderly. I mean, surprises everybody now, in 2012, but in 1970 – '60s into '70s – there was . . . Santa Cruz had one of the highest concentrations of elderly poor, mostly out on the east side of Santa Cruz. We were a downtown office. You would come in there, it would smell like patchouli oil and God knows what else. It was this young, hip . . . . This is Santa Cruz, 1970, '71, or whatever. And it was the most intimidating place, if you were an old person over 55, to wander into that office. And, you know, we recognized that, and I said, "You know, we need . . . . We've got to do the outreach to the elderly." And Claire was at UCSC at the time in community studies, so the two of us . . . . I mean, it still was my legal aid job, but the office was able to open a little satellite office out on the east side of Santa Cruz – I mean, *truly* a storefront office. It was a storefront. And we hung a sign: "Senior Citizens Legal Services." We had to pick an age limit, so we decided 55 'cause our . . . I think that was the social . . . significant age of social security at the time, and our parents were probably 55. So these smart little 20-year-old . . . 20-something-year-olds thought that was old. And then what was really interesting is that we hired paralegals, we called them – paraprofessionals, we called them at the time – who were 55 or older, and trained them with the help of other national legal services grants and everything. We trained them to interview clients, to investigate issues of nursing homes, consumer cases, landlord-tenant, social security – those were our main areas. And they'd go out . . . . They'd have all the time in the world to go to a nursing home and chat with people and kind of get a sense of the issue, then bring it back to me and then we'd see where we'd go from there. And I was doing the lawyering, of course, and 32:57

they were the fact-gatherers. And I would team the elderly person up with a college student – Claire, or one of the others – so we'd be a . . . they'd be a two-person team and go out and be my ears and eyes and arms and legs out in the community, so clients did not have to really come to the office. Well, that model took off. It was just . . . . I was surprised at how . . . . The paralegals were a fairly new concept at the time. A lot of lawyers thought it was illegal practice . . . . The ones who didn't like legal services to begin with thought it was illegal practice of the law. But most of the legal community supported it, and then it just took off. So Claire ended up doing her senior thesis on how we established the office and what we went through, and that . . . it came to be into a pamphlet form, and that came all around . . . it was distributed all around the country, and other programs would come and look at us and model. It was really exhilarating. And I'm particularly proud of it, that – this is one of the things I guess I'm proudest of of my career, among other things – but the fact that we founded that office, it was a novel idea, and it was so right. It was such a great way to reach people. But it's still in existence. The office is still there, and . . . .

Patricia Manoukian: And it's something that you and Claire did together.

Richard McAdams: Yeah, yeah, yeah, yeah.

Patricia Manoukian: You worked as a team to start a . . . .

Richard McAdams: And so when I retired, of course, one of my first calls was back to that program, saying, "Hey, you know, I . . . can I help out? Can I do something?" And I'm actually, you know, going to help . . . . I've been . . . will help them out with some things that they need. Not really like a lawyer-client relationship. But an example would be if they have a case that I can mediate for . . . as a pro bono case, I'll do that. And I'm helping them with some internal things that may be happening there. So the full circle of . . . . But I'm pretty proud of that, as you can tell.

Patricia Manoukian: Well, that was going to be one of the things I asked . . .

Richard McAdams: Well . . . .

Patricia Manoukian: . . . you about! So I'm so glad you talked about that, because it was innovative, it was creative, and it was obviously long-lasting and certainly served the needs of the elderly poor there, and now, really, in so many other locations. So what did you do . . . .

Richard McAdams: It was one of the reasons why I stayed on for the extra six months. I mean, I was sticking to my two-year, but I was so immersed, I did not want to leave that project until it was up and running. It was, you know, like having the child that you want . . . you're ready to hand it over to the next daycare provider, babysitter, or whatever. And also the director had left, of Legal Aid. So I said, "I'll be . . . stay but I'll be the interim director for six months until we select a new one. Get the senior program, then I really do want to go and set up . . . hang my shingle and go into practice." 35:46

Patricia Manoukian: So, did you do that?

Richard McAdams: I did!

Patricia Manoukian: Did you leave . . .

Richard McAdams: Yeah, I did.

Patricia Manoukian: . . . and hang up your shingle and . . .

Richard McAdams: I . . . .

Patricia Manoukian: . . . how did that go?

Richard McAdams: . . . did it. Well, it was great, it was great. I tucked in with two very experienced attorneys who had some office space in the back, and they helped me with some cases and I . . . cases just started coming in and you started building up the practice of a typical general practice of a little bit of this and a little bit of that. So, I mean, I did some will drafting – now it's called estate planning, I guess. But, you know, simple will drafting. Then eventually into some small business. I did family law, personal injury, criminal law – both by appointment and by . . . people would come in and you'd handle everything. And then sort of building up, and then we . . . my . . . a good friend from Legal Aid who had left Legal Aid – we overlapped for about a year, I think, Ernie Fox – he went to the Public Defender's Office, so when I left Legal Aid I said, "Come on, Ernie, let's . . . . Come on out, let's work together." Well, he wasn't ready at that point, but a year or so later he was ready. So we both came out. We both had babies born – two daughters born – I think right around the time of our . . . when we opened up a new office. And we still have the pictures of the office opening with these two tiny little infant girls who are now, you know – what – 38 year old. And so that became the partnership of the two of us, where I'm still doing primarily the same types of work, but I – type of work – but I'd built up a nice small business practice, and it was building up.

Patricia Manoukian: So your first daughter got to go on the adventure around Europe, and the second daughter got to help you open the law practice.

Richard McAdams: Yes. The first daughter doesn't remember the trip to Europe, so I recently did a photo book for her. I took the old slides and got them into a nice photo book – assembled them so she can look back and see herself and all these wonderful locations, with a backdrop of some marvelous . . .

Patricia Manoukian: And know that . . .

Richard McAdams: . . . scenery.

Patricia Manoukian: . . . she was there. Know that she enjoyed every minute.

Richard McAdams: She was there, yes. 38:00

Patricia Manoukian: So, how long were you in private practice?

Richard McAdams: Well, see, okay, so I left in '73. Early '73 is when I went out on my own, and Ernie in '74. Jim Popin came sometime after that. And then in '77 I went to the bench. So four . . . just four years back, I think, after leaving . . . after the Legal Aid.

Patricia Manoukian: And when did you decide you were interested in becoming a judge?

Richard McAdams: Well, yeah. You know, I didn't, as I always like . . . I think of it. It was the furthest thing from my mind, 'cause I . . . the practice was really going well, and I'd recently been hired as the attorney for the Port District, because of the . . . There's the Admiralty . . .

Patricia Manoukian: The Admiralty . . .

Richard McAdams: . . . tie in a little bit. And . . .

Patricia Manoukian: . . . background.

Richard McAdams: . . . had some other really . . . not really . . . I guess we would call them start-ups now, but they probably weren't quite . . . you know, that sounds a little too important, maybe, for what they were. But building up a practice to . . . I was not doing any criminal work, and family law work had pretty well settled in, and I was . . . I could see a good future with that and estate will-drafting, that kind of a thing. And the . . . my partners had . . . when . . . And Jim Popin came in. Ernie and Jim wanted to apply for the Alternate Public Defender contract. The County of Santa Cruz had decided to do . . . Instead of getting . . . appointing attorneys randomly to do the conflict cases, they'd bring in two law firms to handle it. They wanted to bid on it; both had an interest in criminal law. I did not. But I was a good sport. I said, "Okay, we'll do it, but you guys have to be the criminal lawyers." And we did – we got the contract. And I was just the . . . If they had . . . needed a third lawyer and a third place, I was the guy who did that random preliminary hearing or the juvenile court appearance or whatever like that. But once you're a Legal Aid lawyer, you're always a Legal Aid lawyer. Once you do . . . once you're a public defender, you're always a public defender. So I was, you know, *deemed* to be a public defender as well. And that was wonderful criminal law experience, I guess, which I never professed to have.

But there were two vacancies in the court – in the municipal court in Santa Cruz. And Jerry Brown was the young Governor at the time. And he had . . . And I paid no attention to the vacancies, or the appointments. He had, actually, two superior court and two municipal court. He elevated Rollie Hall – Roland Hall – from muni to superior court; that created one of the vacancies. There was yet another vacancy in superior court, two in muni. I didn't pay much attention to it. There were . . . Twelve or 13 people had applied. Governor made one appointment: Bill Kelsay. He was about 36, I think. Well, Rollie's about 38 or 39, Bill's 36. You know, we're used to having judges who were, you know, our fathers' age. So it was pretty . . . it was rather striking. But I went over to congratulate Bill Kelsay. I'd handled one or two 41:13

criminal cases with him when he was in the D.A.'s Office; I was the defense attorney. And he is . . . was a great, great assistant district attorney. Tough, fair – all the things that you'd want. I went over to congratulate him, and, you know, "Bill! Wonderful! And you're 36 years old!" and he goes, "Talk to Rollie. They want you to apply." I said, "Gee, I'm 32 years old," you know. "I'll be 33 in a couple of weeks." "Go talk to Rollie." So I go in. Rollie says, "Get in your application; they're interested in you applying because the Governor knows all about your Senior Citizens Legal Services work, and the work at . . . that you did at legal services." And that was something that, I guess, rang a bell with somebody there. So, you know, I didn't . . . You know, we weren't, like, political party activists or anything like that. We're just nominally . . . Everybody's political in Santa Cruz, of course, but we were only nominally political. But apparently that was . . . the legal services work is what attracted the attention. So I remember it was over Washington's Birthday I did this application, drove it to Sacramento, and dropped it off. And that was the end of February. I turned 33 the next week, and then two months later I was appointed. Two months! I mean, out of the blue I get a phone call from . . . You know, there was no Jenny Commission and all that. You get a call from the bar association. I got a call from the bar association. I forget . . . Our representative at the time was that, oh, the appellate attorney from Ventura who was a longtime active bar member. And he called me up and he says, "Oh, I'm at the bar meeting now, and I'm supposed to call," he says, "and check you out for the court." He said, "We hear you're really a great guy. Is this true?" I said, "Yes." Lascher. It was Earl Lascher. I think . . . Not Earl, but Lascher was the last name. Great guy. He laughs, that was it, you know. And then I got a call from Henry Mello, who was the Assembly member, or Senate, at the time – I forget – to tell me I was appointed two months later. I mean, it happened so fast that I had to close my practice down! So I didn't get sworn in 'til June 3<sup>rd</sup>; it took me that long to get my . . .

Patricia Manoukian: To wrap up all your affairs.

Richard McAdams: To wrap it up, drop all the boxes on Ernie, as he still tells everybody that I abandoned him and the practice and left him with all these files and everything like that.

Patricia Manoukian: So there you are, you're 33, and you're a municipal court judge.

Richard McAdams: Well, another thing about that. I was called on . . . It was Claire's birthday. And I had just prepared the incorporation papers for her child care center as a nonprofit. So I was going to their board meeting to give them the papers. And remember, you're appointed . . . It's still the same way: you can't tell anybody, but you can tell your spouse, of course. So I've got this all bottled up. Call Claire and she's not there because she's at . . . the board is meeting starting at 3:00 or whatever, in anticipation for my arrival with all the papers. And then she and I are going to go out for her birthday afterwards. So I, you know, can't talk. Get to the meeting, you know, "Come outside for a minute!" She goes, "I can't talk." We're in the middle of, you know, "Let's do the papers" and everything. Grr. And I have to sit through this whole meeting explaining the articles and the bylaws and all that stuff, but 44:31

bursting and stuff. And *finally* we get out to the car. So it was a grand birthday celebration.

Patricia Manoukian: Wonderful.

Richard McAdams: Her 33<sup>rd</sup> birthday.

Patricia Manoukian: Her 33<sup>rd</sup> birthday . . .

Richard McAdams: So, yeah.

Patricia Manoukian: . . . is when you knew you'd be a judge.

Richard McAdams: Yeah, I mean, I would . . . it was so fast and marvelous that I didn't think twice about doing it.

Patricia Manoukian: So there you were in municipal court at age 33. Can you tell us a little bit about your years in municipal court and how you eventually arrived in superior court?

Richard McAdams: Well, I had to grow a beard so I'd look older, I think, was part of it, too. Actually, I had the beard at the time and . . . to make me look older. But the experience there in muni court was . . . I mean, naturally you're thrown into an all-criminal calendar. All criminal, all the time, as you well remember. The . . . And of course, as I say, where everybody says, "Well, you're a public defender, so obviously," you know, "here's the . . . here are the files, go to it." Well, I said, "Okay," you know, "on paper I'm the alternate public defender, but, you know, I . . . in . . . I don't . . . ." So what I decided to do, instead of having Bill Kelsay, the former assistant district attorney, as my *direct* mentor – he certainly always was at the time – but I chose Dick Kessell to be my mentor, 'cause Dick Kessell had been a probate specialist, and he had been appointed by Governor . . . then-Governor Reagan to the muni court bench. So I decided, "Well, I'm going to go to the probate specialist who became the muni court arraignment calendar guy, and have him walk me through what *he* did to prepare himself to . . . for this kind of a new role." And he was great, he was great. So you learn how to take pleas and all those things that you maybe only saw occasionally from the other side of the table. So we did everything. We had a traffic court . . . we had a traffic court rotation. We had small claims, prelims, and buckets and buckets of arraignments and petty thefts. And of course the [*inaudible*] and the DUI calendar, where we'd do probably 40 . . . around 40 jury trials a year. Most of them were DUIs. And that was the life of a muni court judge.

Now, I had the good fortune, though, that – Santa Cruz being a small county, at the time there was eight of us, 'cause they . . . I was there in June and then that summer Chris Cottle was appointed to the other superior court vacancy. He was *the* district attorney at the time and was appointed to the court. So we had four of us who were in our thirties suddenly on a court that only had older folks, shall we say. But when superior court . . . If I was free, the superior court . . . and a superior court case needed a judge, the attorneys would stipulate to let me handle the trial. So fairly early on, when . . . The problem was, we 47:44

rarely had the time. But when I did, I was able to do a little bit of . . . usually it'd be a small personal injury case they'd send over, and attorneys would agree. But it was sort of the start of our courts' coordinating, from a fairly early stage. So . . . . And then you get involved with the administrative side of the court, as you know. With four of us, you were the presiding judge on a rotational basis – whether you wanted to be or not, we always said. So you had to do the administrative stuff.

Patricia Manoukian: So you learned the administrative side, . . .

Richard McAdams: Yeah.

Patricia Manoukian: . . . you tried cases from superior court. And back then, municipal court was separate from superior court.

Richard McAdams: Very much.

Patricia Manoukian: And you needed five years admitted to practice to be appointed to municipal court, and ten years admitted to practice to be appointed or to run for a seat on superior court. So how did you transition from muni court to superior court?

Richard McAdams: Well, interesting. I actually did the transition . . . . I ran for it in 1986 and I lost to a colleague; everybody still describes it as the nicest race that they've ever seen conducted because we both liked each other, we knew each other, we both go to the same parish, you know. We had so much more . . . . Our kids went to school together and all of that stuff. He was the older guy. And he got the job.

Patricia Manoukian: But it was a very collegial race.

Richard McAdams: Oh, it was. This is kind of a diversion, but it's worth mentioning now. This is – we're talking about Jack Marlo – is that he . . . when . . . . So he won that race by a smidgen, and . . . but we never spoke ill of each other or, you know, the . . . it was just a positive thing all the way. So he goes to superior court, and he encourages me – and I think talked to other people, I forget the sequence – but he had been involved a bit teaching at the Judicial College. And he said, "You know, with your civil background, consider doing some teaching." So at his . . . with his encouragement and help in some ways, I got involved with CJER, is what it was then. And I started doing the civil education and . . . later on in the late '80s. And then that developed . . . beyond the college developed into the Continuing Judicial Studies Program, the muni court workshops we had at the time, the civil procedure workshops, and I became immersed in the . . . in statewide judicial education – again, encouraged by my rival, who . . . . And to not jump too far ahead, but I think a lot of the reason why I was considered for the appellate court was because I had . . . I was known around the state and had participated in both California Judges Association committees and on the board, and then also in judicial education. So, again, it kind of came around again. No, I credit John Marlo a lot with that. 50:44

But anyway, you had asked about muni court work. The . . . . In 1994, when we were first considering coordinating the courts . . . . Oh, in the meantime I had applied for superior court through the Governors and got through the Jenny Commission and everything but did not get the appointments. But in '94, to coordinate our courts somewhat, Bill Kelsay elected to take on a misdemeanor arraignment calendar, and then have me take over the family law calendar – still as a muni court judge, but . . . . So I did that for four or five years. Took over family law, and so I was a full-time superior court judge. I did exclusively family law. And then I . . . then a year after that, I did mostly superior court work by assignment, although I was back in municipal court. And then by . . . . then I ran for superior court unopposed, but it was the same year that we coordinated . . . consolidated the courts, in any event. So I had watched, twice, consolidation fail at the ballot, so I wasn't going to take my chances again this time. So I ran, . . .

Patricia Manoukian: And you were elected in . . . .

Richard McAdams: . . . this time unopposed.

Patricia Manoukian: Unopposed.

Richard McAdams: Supported by John Marlo.

Patricia Manoukian: And what year was that?

Richard McAdams: '98.

Patricia Manoukian: 1998.

Richard McAdams: 1998, yeah.

Patricia Manoukian: But you had essentially been doing superior court work for years prior to that time.

Richard McAdams: Yeah, we all had.

Patricia Manoukian: Everybody . . . .

Richard McAdams: Our court jumped into coordination. I was not the only one. We had judges handling felony trials. We would . . . had the preliminary hearing calendar, where we could take pleas, within . . . . And we set parameters with superior court. We would take pleas, do sentencing, we'd keep everything right there. It was . . . . There was so much efficiency in it; it was so obvious. Now, we had the advantages that of the ten . . . by-then ten judges in the county, nine of us were in one location.

Patricia Manoukian: Santa Cruz has had, for many years, a very small bench, and at the time you were in superior court, there were ten superior court judges. So you . . . .

Richard McAdams: By the time I left, yeah. 52:58

Patricia Manoukian: By the time you left there were ten.

Richard McAdams: Yeah, with commissioners and . . . .

Patricia Manoukian: And that was the unified court.

Richard McAdams: Yeah.

Patricia Manoukian: So you had to essentially handle every type of case. You had to do some criminal, some civil, some dependency, some family, some of everything.

Richard McAdams: Yes.

Patricia Manoukian: Did that prepare you well for the Court of Appeal?

Richard McAdams: Absolutely, absolutely. As you know, as you can tell. I . . . . It was amazed, because on the trial court, I would . . . . I mean, I had the civil assignment for five years. And even then, if I was freed up I would handle a criminal law case or family law, whatever; we'd fill the time. But essentially I was doing full-blown civil work. Before that, you know, full-blown family law work for all practical purposes. But in the whole career, you're getting around to where you get everything. Then you get here, and in the appellate court you *do* get everything and you don't get the same thing for five years, or whatever, then move on.

Patricia Manoukian: Everything.

Richard McAdams: As you know, it's . . . you pick up those . . . that little trolley comes in with your files for the month, and you pick it up and "What have I got here?"

Patricia Manoukian: That's right. Well, you know, in 1984 the Sixth District Court of Appeal opened its doors with three justices, and there seems to be this "Santa Cruz seat" that was first filled by Harry Brauer.

Richard McAdams: Right.

Patricia Manoukian: And when he retired, immediately the Governor appointed another Santa Cruz judge – although not to Harry's seat, but right about the same time – and that was your former colleague Chris Cottle, who went on to become the Presiding Justice of the Sixth Appellate District. And it was my great pleasure to work with him and to . . .

Richard McAdams: Great judge, great judge.

Patricia Manoukian: . . . spend so much time with just a wonderful judicial leader, a great judge, and a tremendous human being. And while we . . . .

Richard McAdams: We can refer people to *his* interview that you did, too, which is definitely viewable.

Patricia Manoukian: It was a pleasure, pleasure to interview him. But while I was working with him, he kept talking about this judge Richard McAdams, 55:00

Richard McAdams. "He has to come to the Court of Appeal. Richard McAdams. He would be wonderful." So I'm sure he talked to you a lot about coming to the Court of Appeal. And so when was it, and how was it, that you got interested in the Court of Appeal and submitted your application?

Richard McAdams: Well, it was definitely him buzzing in my ear that, you know, that someday he would retire and he'd let me know when he was thinking about it because he thought it would be a good fit. We knew each other well enough that he knew this would be a good fit. And it wasn't exclusively encouraging me. I'm sure he . . . . I know that he encouraged other people as well. But he knew that I'd especially enjoy the work. I think it had a lot to do with . . . . Because we did work together, even though we were in seemingly different courts. But, I mean, he was there when we . . . our courts really did work together. And the . . . . And then the judicial education work that I did seemed to . . . . He knew that that would be a good fit as well. I wasn't so sure. I mean, I loved the trial court as . . . in a . . . . I know all of us who've been there loved that trial court work. As I said, as much as I loved the private . . . I loved being in practice, I loved the time in Legal Aid, I loved the time in San Francisco, I loved the time in the solo work, but again, by this point I was 20-plus years – well over 20 years on the bench. I'd handled everything. I was sitting in the civil assignment, which is the . . . my dream assignment. I mean, I was in judge heaven. And . . . . But, you know, 20 years. I still was not 60 years old, but I was in my . . . in . . . by then I was in . . . 55-plus, and well over my 20 years. And so part of it was, well, something new and different, but I worried about the . . . leaving the "stage," so to speak. I mean, the trial court is a marvelous place to be, in terms . . . there's never a dull moment, in my view. Oh, once in a while during jury selection or whatever, or with some particularly terrible attorneys, or whatever. But for the most part, . . .

Patricia Manoukian: But certainly . . . .

Richard McAdams: . . . the work was just, you know, fun.

Patricia Manoukian: But certainly at the Court of Appeal, you would never have an inebriated client come up and tug the back of your coat as you were arguing to the jury!

Richard McAdams: Or come out of the back in custody and start yelling at . . . and swearing at the judge. Or any of the things . . . . I mean, I think I wrote . . . . I have . . . just took a collection of all of these . . . the crazy things that would happen in the trial court that would never happen. But, I mean, at 25, or going on 25, years, or whatever, you *have* handled pretty much every assignment, you've maybe seen every type of a case, there's all kinds of lawyering or whatever, and you start looking towards other options, I think. I had the same thought process I went through here, as you start thinking of, like, are there other options in my life that I want to look at. And I thought, "Gee, the chance to contribute to the law, the chance to find a legal issue that interests you deeply, and then to be able to spend the time that it deserves to resolve it." I mean, I loved the law-and-motion calendar, but I never had enough time. I know 58:19

every judge who handles the law-and-motion calendar, it's like, you look back on it and think, "How did we make so many good decisions with so little time, adequate research help but still very limited, making those snap decisions all the time?" I just . . . I marvel at how good the trial court judges are. Hopefully I was in that category as well. But now the chance to work on a legal problem with not *all* the time in the world, but certainly more time than we had. *And* to work on it with chambers assistants and then to work on it with colleagues.

Patricia Manoukian: To work with wonderful colleagues.

Richard McAdams: Wonderful colleagues. Even when we disagreed, you know.

Patricia Manoukian: You made our work better, Rich.

Richard McAdams: Well . . . .

Patricia Manoukian: You improved the quality of our cases and our decisions.

Richard McAdams: Well, you're kind, but I put that right back to you and my colleagues here, is that . . . is a wonderful . . . . Why would I ever want to leave something, I've been asking myself for a year or whatever now? It's just . . . .

Patricia Manoukian: Such a pleasure to work with you. But before we get . . .

Richard McAdams: Yeah, yeah, yeah.

Patricia Manoukian: . . . to the Court of Appeal . . . .

Richard McAdams: We're getting ahead.

Dave Knight: Take it from there, whenever you're ready.

Patricia Manoukian: So Rich, before we start talking about your work at the Court of Appeal, I wanted to ask you a few other questions about different events in your life. In doing my research for this interview, you have been called "The Traveling Judge." And you talked a little bit about that, in terms of your first adventure with your daughter. Could you share with us your other . . . just briefly your other adventures, including those with your grandchildren recently?

Richard McAdams: Gosh, I'll summarize them, because we do have the travel bug. That's our estate plan – something we learned from other couples years ago. We thought if we ever have grandchildren, when they're age ten, was our goal, we will take them on a . . . some kind of an adventure. Well, it's turned out, now, that we've taken three of them, starting in Rome and ending in London, so they get a real Western civilization history course. The last ones got a little bit of Asian history, too, 'cause we got as far as Istanbul and Ephesus with them. And with our girls, we traveled occasionally. One major trip to . . . that is memorable to them was to the United Kingdom. Also the East Coast – we did the traditional Washington, D.C. to Boston and New York trip with the kids, and **1:00:59**

some Caribbean and Hawaiian adventures – really nice, great family vacations. Just a . . . . We . . . . Just a way that . . . to spend time together. And again, it doesn't have to be exotic locations. We would have wonderful trips to nearby lakes, or southern California, or places like that. So, yeah, we still have the travel bug. You know, it's the first thing I did when I retired. I left two days later for six weeks through southeast Asia.

Patricia Manoukian: Got on the plane, got on the plane. Why don't you tell us a little bit about your two daughters and your six grandchildren, 'cause I know you're very proud of them, and I know they'll be watching this . . .

Richard McAdams: Yeah.

Patricia Manoukian: . . . interview.

Richard McAdams: Victoria was the little baby traveler back in 1970. She was born in '68. And then Emily was born in 1974. And they . . . . Tori went on to San Diego State and then started in the telecommunications industry. I remember her calling up and saying, "I'm going to go with this little company that makes those phones that those guys carry around that don't have any wires." And I said, "Well, are you sure this is a good idea? You know, contractors carrying those bricks around? This is . . . . There's a future in this?" She says, "Yeah, it's a company from Finland called Nokia, and I think it's where to go." And I said, "Well, okay." She was going to leave Sony and go to Nokia. "Are you sure this is what you want to do?" So, you know, she proved me the fool there; don't listen to your dad. And then so she stayed with them until I think her second child was born, and then been raising the kids but is back doing real estate now, very successfully, in Newport Beach.

Patricia Manoukian: And she has four children?

Richard McAdams: And now it's four, yeah, three boys and then along came the little girl.

Patricia Manoukian: And their names are?

Richard McAdams: Nicholas is the oldest, now, he's 13-1/2, just seventh grade. And then Johnny is fifth grade. Richie, the third boy – they ran out of names; they had to use Richard – and Richie's in third grade. And then along came a little girl while I was still here.

Patricia Manoukian: Yes.

Richard McAdams: The little girl was when I was here.

Patricia Manoukian: Yes.

Richard McAdams: Genevieve. They call her Gigi.

Patricia Manoukian: And she is how old now? 1:03:12

Richard McAdams: Gigi's five! She's going to start kindergarten next year, so she'll have three at Newport El and one at the Ensign Junior High School down there.

Patricia Manoukian: All right. And what about your other daughter?

Richard McAdams: And then Emily went to UC Santa Barbara and then decided to go to law school. When she was thinking about it, I had her come work for me for a summer, for 20 hours a week for free. I was doing family law, and I made her go visit everybody: all the D.A.s, the public defenders, the family law attorneys, the trial attorneys to see everything. And she did a paper for my and helped me with how the court was handling domestic violence cases. Now, this is 1995 or '96, somewhere in there, and she helped me craft a better calendar that handled those cases. It was a . . . just a wonderful piece – of course, it was my daughter – but it was a wonderful piece of work that she did. And I said, "You'll spend a summer doing this, and you'll either love the environment and think about law school that way, or you'll hate it and think about something else." Well, she loved it. Went to USF Law School. Told me at one point, "Dad, I'm sorry, but I'm not going to be a trial attorney; I want to do transactional law." "Well, okay, that's good." So she went with Hanson and Bridgett after USF and stayed with them – wonderful years there, wonderful firm. They treated her so well, and I know she gave back to them. But with her second child, she and her husband made the decision that she would be a stay-at-home mom for a while. She's still an active bar member, but . . . and coming back into the law now, but so . . . . And then she has two daughters.

Patricia Manoukian: And their names?

Richard McAdams: Oh, gosh. Jacqueline – Jacqueline Claire, who is in fourth grade. And then Alexia, or we call her Lexi, is in second grade. I think I did pretty . . . I think I got 'em all.

Patricia Manoukian: I think you did very well. So we've covered "The Traveling Judge" and . . .

Richard McAdams: So, see, Nicholas got to go on the . . . with the trip with us. He was the groundbreaker back in 2009. And then in 2011 we took the boy-girl cousins, Johnny and Jackie, who've always been close – we took them on the trip, and it was great.

Patricia Manoukian: Fantastic.

Richard McAdams: They did great. It's our estate plan. So we'll have nothing left, but by golly, these kids . . . .

Patricia Manoukian: But you'll have enjoyed every moment . . .

Richard McAdams: These kids, you know.

Patricia Manoukian: . . . of your children and your grandchildren. **1:05:35**

Richard McAdams: Well, we're blessed that way. I tell grandparents, "Do it, you know. Go to Yosemite, go to San Francisco. It's the time with the grandkids that's priceless. And ten is wonderful because it's less expensive at that age – 'cause they're not twelve yet – for travel, and they're just wonderful. They're still children, but they're old enough to absorb all the history if you help them with it. We have a little plan, and they read ahead of time. Nothing too heavy, but just . . . . And they're just kids. It's so much fun, so I can't wait for you to do it.

Patricia Manoukian: I'm hoping I get to do that!

Richard McAdams: You will do it, you will do it.

Patricia Manoukian: So we've covered your "Traveling Judge," where . . . we've covered your "Grandfather Judge." Now, in an article they wrote about you, they said, "When asked for the secret to a successful and happy life, McAdams just flashed a warm smile and said, 'Achieving the right balance between your personal and professional life.'" And . . . .

Richard McAdams: I know, it's . . . . Yeah. I don't know how long ago I said that, but it still holds true, I think for all of us. It's just . . . . One of the things . . . . The common thread, I think, among the really good people I've worked with is that they were multidimensional people rather than one-dimensional. And so hopefully I've done that. We . . . . I've had a lot of fun, between travel and music, the grandkids . . . .

Patricia Manoukian: And that's what I have down. You're a . . . .

Richard McAdams: Exercising when I, you know, when I could.

Patricia Manoukian: I have down you're a fun judge, too, so you brought that up! You're a musical judge, a fun judge, a family judge, a grandfather judge, a traveling judge, but also when you were in the lower court you were known as "The Marrying Judge."

Richard McAdams: "Marrying Judge." That's what I thought when you started giving me the judge titles.

Patricia Manoukian: Okay, so, tell us about that.

Richard McAdams: Yeah, well, I decided that there was a need for doing weddings at the courthouse. I probably picked it up at a . . . one of the CJA classes or something like that. And so set up the wedding calendar on Friday afternoons. The goal again was whatever kind of work you're doing as a trial court judge, you've had a full week and not always the happiest people coming in to see you and the happiest of . . . under the happiest of circumstances. It's tough, pressured work. So you end the week with this – especially when I was doing family law – this upbeat, wonderful, positive experience of doing two or three couples. They'd sign up and come in and I'd do a little simple civil ceremony, with some witnesses sometimes, sometimes just the two of them. I had to get a clerk to come in. And sometimes they were on their way to the . . . to deliver a child! I remember one case, in particular, she was doing her **1:08:19** . .

. they were timing her contractions as we performed the wedding ceremony. But . . . .

Patricia Manoukian: You successfully completed that . . .

Richard McAdams: We . . . .

Patricia Manoukian: . . . one, and . . .

Richard McAdams: Yep, yep.

Patricia Manoukian: They got married?

Richard McAdams: You know, and I still ran . . . . I mean, as early as just last weekend, two couples came up to me to remind me how many years they've been married. And, you know, for all of us who do wedding, it's fun to do. But we kind of institutionalized it, and I believe the tradition stayed on after I came to the appellate court. But more and more judges started doing it so we could provide a real service. Because at that time – I think this is before the clerk could do it, or you could easily deputize people – so a lot of people had no place to go to . . . for a simple wedding ceremony.

Patricia Manoukian: So you started another tradition in Santa Cruz, to provide an opportunity for individuals . . . .

Richard McAdams: I would bless them along the way. You know, they got that extra blessing in a sense, too, as some of my friends suspect.

Patricia Manoukian: You're also known as an education judge, in that you've been involved in local and statewide education really since the beginning of your legal career. And you've talked a little bit about that. Would you tell us a little bit more about your interest in education? And certainly on the appellate court, you were most engaged in appellate educational projects, mentoring law students, helping young lawyers. Can you provide us a little insight into . . . .

Richard McAdams: Well, you know, thanks. And I'm not the only one. I only picked this up from everybody else, 'cause when I became a really young . . . *truly* a young judge, I went to the Judicial College. It was only a month or so after I'd been sworn in. Up to Berkeley for two weeks and met all of these wonderful, experienced judges who were there because of their love of judging and their willingness to convey . . . give you some ideas. Not tell you how to rule or tell you how to do things, but just help you with the process. Help you how to be a good, fair judge. And then again, I go back to that courtroom scene where the judge in three sentences took me through what I needed to know. That's what I wanted to learn how to do. And if you learn it from somebody else, then you want to turn around and help somebody. It's the classic pay-as-it-goes, whatever the phrase is.

Patricia Manoukian: Pay it forward, pay as you go, yes, yes. 1:10:46

Richard McAdams: Pay it forward! It's just the whole "what goes around, comes around." All these things are true, that only because of other people who mentored me – the attorneys I worked for in law school and then in my early years of practice, the attorneys when I came back into practice, the attorneys in legal services who had been there longer – and all that mentoring process is so vital to all of us. But particularly law. I mean, we get our law degree, and you pass the bar, and you get sworn in, and you can go out there and do everything. Unlike a doctor, a doctor grad school . . . medical school graduate, you know. We're entitled to go out there and do anything. And I always tell law students, "When you get out, get a mentor, or mentors. Get somebody there to go to." So that's what interested me. It really was not because I was so great, had all the answers, or whatever, but that I had something to give and that I could convey it on to others. And with law students, I had occasionally had students work for me in the trial court, but it wasn't as easy to do then. But here, the summer students are . . . . What a wonderful experience. But again, I saw you do it, I saw others in other districts and here who were doing it, tying it in with the tremendous Santa Clara County Superior Court program for summer students that we had. I had at least . . . I had nine students come through while I was here, three of whom are studying for the bar. My last three are studying for the bar as we speak.

Patricia Manoukian: And hopefully they'll have . . . .

Richard McAdams: And I keep up with them. I know their mothers, you know. I know their . . . . I know . . . . Two of them I know their mothers, and one I know his wife. And so we keep tabs, and they're all doing . . . they're going to do great. So, yeah. It's giving back. It really is.

Patricia Manoukian: It's the process of being mentored and then mentoring others, and helping others along the way, which you did all through your trial court career and your appellate court career. So let's go back to: your application is pending for the appellate court. You've now filled it out . . . .

Richard McAdams: And pending, and pending, and pending.

Patricia Manoukian: And pending. And then what happens?

Richard McAdams: Well, eventually . . . . Of course, the joke was always that when I applied I had one grandchild, and when I was there at my confirmation hearing, I had four, and one on the way. So the . . . . You know. And I have just the two daughters. And you know, from their ages, you can tell that it took some time there. So the . . . . I remember telling that to Governor Davis when I saw him some years later, that when he was recalling that it was a long process, I said, "Well, yes. Here's . . . . You want to know how long it was?" But no, it just happened that way. But it was kind of funny. The . . . . Yeah, I mean, I was keenly interested by that point. I thought it would be the . . . for all of us, I think, it would be a culmination of a career and a wonderful honor. But just a way of giving back – another way of giving back – to the law and the community through appellate work. So that was a process, and eventually I 1:14:03

was . . . went up for the interview. And it was hard. I mean, Santa Cruz County is a small county, Santa Clara County is a very large county. There's no statutory obligation that there be a Monterey County seat and a Santa Cruz County seat and the rest can be Santa Clara. San Benito gets left out of that equation all the time. So there was the . . . . There were plenty . . . . There were some good candidates up, and I just was in a wonderful position that I loved what I was doing, I was blessed with what I was doing. But one funny story is I got . . . it was taking enough time that I had approached my 59<sup>th</sup> birthday, and everybody said, "Well, when you're 59, and you've got your 20 years" – I was way past my 20 – "but if you got . . . around your 20 and you're 59, be sure to go to the Retired Judges Conference in Monterey." Which I did. I got a call Monday, essentially kind of through the circles of . . . that would affect the appointment process, saying, "Are you still interested in the appointment, because we understand you were at the Retired Judges Conference." And I said, "Oh, my goodness, it's something you *must* go to." I didn't want to say, "You know, I applied when I was, what, 57 or something like that. You know, I got to take care of business here." So I let them know that I was still interested. And even then, it went on until the fall, when I was really blessed to be called and get the appointment.

Patricia Manoukian: And that was in 2003.

Richard McAdams: Fall of 2003.

Patricia Manoukian: So you transitioned from the trial court after serving in the trial court for how many years?

Richard McAdams: It was 26-plus.

Patricia Manoukian: Twenty-six-plus . . .

Richard McAdams: Twenty-six.

Patricia Manoukian: . . . years . . .

Richard McAdams: Yeah.

Patricia Manoukian: . . . to the Court of Appeal. And how was the transition and what do you remember, and . . . .

Richard McAdams: Well, as I expected, and as I described when . . . . My first day here was . . . . I mean, again, for all of us who've been through muni court arraignment trials and civil law-and-motion trials and crowded courtrooms, it was . . . . I'd open up the door in the hallway here and look up and down, and it was . . . everybody's here, everybody's working. But it's so quiet, they said, you know. It had been described to me once that it was . . . . Jim Ford said this to me – a wonderful, you know, he passed away but from Sacramento – who saw me at one conference or another and heard that I'd applied. He says, "You know, I've gone up there; I've pro tem'd up there." He says, "You know, it's awfully quiet." He says, "You'll be working in there and the phone rings and you jump." *[laughs]* It was a great description of the work. **1:16:36**

And . . . . But again, that was, you know, . . . in a sense it was fine. I'd had my sense of noise and the hubbub, and it fit perfectly well to be in a nice quiet setting where we'd just focus on the legal problem at hand. It's a rare treat.

Patricia Manoukian: And did . . . .

Richard McAdams: And of course a wonderful staff. I assembled a wonderful staff: Alyce Prudden, with whom I'd worked in Santa Cruz in years past, or at least known her work through when she . . . a member of the Santa Cruz County bar. She was here working for Justice Wunderlich, and Justice Cottle before him, and then at some part-time arrangement. But I asked her if I came if she would stay on. I was assigned Janet Kulig from the central staff, and we were an immediate good fit. And then I looked around and thought I really needed somebody who would bring to me the kind of criminal law experience that I knew that I needed at this level. Sure, I'd had . . . on paper I've got all this criminal law experience, but I had not . . . I really have not handled a felony assignment, for example, in the way that I'd handled family law, civil, muni court cases. And at the appellate level, with the . . . everything but death penalty cases, I knew that I needed that extra help. And then fortunately Renee Torres was introduced to me, because she had worked here during the maternity leave for one of the attorneys; she was able to take a leave from the First District Appellate Project and work here, so everybody knew her. Well, she was also just a great fit. She accepted, even with a horrible commute to get down here. And so . . . . And then Robin was the . . . was here, actually, in the writ department, and I was able to ask her to be the administrative assistant. She and I had worked together in Santa Cruz when she was in the clerk's department there. So that was another great Santa Cruz fit. So I could hang a picture of the Cooper House – the old Cooper House in Santa Cruz – on the wall, and most of us knew what it was.

So there was . . . so it was the staff as . . . for the first part, and then the greater office, too, working with Mike Yerly and everybody downstairs, and the kind of support that they give you. Working with the writ department and the professionals there, grinding out this . . . volumes with no time at all. That's the most pressured, I always . . . I thought the most pressured part of the job here. And then of course all of you and the other staffs. The work environment was a dream. It really is.

Patricia Manoukian: So you had just an excellent and outstanding staff: two very experienced lawyers, a wonderful central staff lawyer, and an outstanding judicial assistant. You seemed to transition with ease into the Court of Appeal, and when they wheeled the cases in every month, you seemed to devour the cases that were assigned to you. So . . . .

Richard McAdams: Yeah, I admit . . . . I mean, one of my regrets is that we really did have a backlog. I battled that all the time. I . . . . We worked . . . . I sat very satisfied with the quality of the work that we did. If anything that kind of got to me all the time was the fact that I always felt like we . . . working uphill against a backlog. And not the kind of pressure we had at the trial court level . . . **1:20:16**

Patricia Manoukian: Right.

Richard McAdams: . . . but still, you know, the “justice delayed is justice denied” – that ate at me, to be candid. But . . . .

Patricia Manoukian: But you handled . . . .

Richard McAdams: Kept, we just . . .

Patricia Manoukian: Kept working.

Richard McAdams: . . . like everybody else, you just keep at it.

Patricia Manoukian: Kept working. But you handled so many huge, major cases, particularly civil cases, that had voluminous records. And I know I was on many of those. I wanted to ask you, what are . . . .

Richard McAdams: We did our share.

Patricia Manoukian: Well, you did . . . .

Richard McAdams: We weren’t alone. Everybody, you know . . . .

Patricia Manoukian: Everybody did.

Richard McAdams: Yeah, yeah.

Patricia Manoukian: But you had some of the huge, monumental, published, policy-changing significant cases. So I wanted to ask you, what are your most memorable cases, or cases that you’d like to share during your . . .

Richard McAdams: Yeah.

Patricia Manoukian: . . . interview?

Richard McAdams: I mean, it usually comes down to . . . . It’s always . . . . The published cases are the ones that I think, you know, you always get your name tagged to them. But kind of the experiences, I think . . . . One of them . . . . Because they’re kind of great stories, too, besides the law. But we had . . . . After I arrived here, this ended up being one of my first published cases, because there’s that lag time, of course. I came here late September, and then you build up, and oral argument, whatever. But I . . . for my 60<sup>th</sup> birthday in February, then – after I’d come at the end of September and in February I turned 60 – and Claire and I went for our 60<sup>th</sup> birthdays to Tahiti. So I had this long trip, *wonderful* trip, relaxing, turned 60, ran for 60 minutes or something, we did it – you know, did the whole 60<sup>th</sup> birthday thing. I came back in and I think we got home Sunday night – it was a long flight and everything – because Tuesday we had oral argument at the University of Santa Clara, and I had one or two cases on that calendar. And one of them was a criminal law case that happened to involve the use of the statements that were made by the alleged victim in the case who had later passed **1:22:16**

away – not as a result of any criminal conduct, but just in the . . . as time had passed. By the time the criminal case was prosecuted, she'd passed away. They used her statements. And we had a prepared draft for that day that dealt with the trustworthiness issues and whatever. But I came in that Monday morning, a bit jet-lagged, knowing I needed to prep for the oral argument coming up the next day. And Renee Torres is standing at the door – hearing that I'd pulled into the parking lot – standing at the door, and she hands me the U.S. Supreme Court *Crawford* case and said, "Before you do anything else, sit down and read this case." Well, it was . . . you know, it stood the law of use of testimonial evidence on its head, so to speak. And it was on the next day for a hearing, and it was . . . . So that was a rather memorable moment, because the next day at the hearing, the A.G. who was there arguing the case, when we asked, you know, "What is your response to *People v. Crawford* that was decided, what, this . . . yesterday morning?" and he said, "You know," he said something to the effect of, "I haven't the foggiest idea; I haven't a clue." He says, "This is so recent, we haven't even had a chance to have a meeting in the office about it." So, "Would you like some additional time for briefing?" So eventually we published one of the first cases on the . . . in that area, but following the U.S. Supreme Court decision. So that was memorable.

I remember the . . . having some cases that were so complex. Remember the *Voices of the Wetlands* case, which . . .

Patricia Manoukian: I have that one marked here, yes.

Richard McAdams: . . . the California Supreme Court has since decided. But, you know, without going into that one, we'll burn too much videotape and lose an audience. But . . . . If we haven't lost them already. [*chuckles*] But the . . . that was so hard; that was so difficult to . . . because of the federal law aspects of it, as I recall, that we all . . . we really struggled with getting our arms around that one. You always want . . . . You want to completely . . . . The goal was always to completely understand the factual issues, completely understand the legal issues and their interplay. And then . . . . For that, though, we brought in – beyond California law – brought in these other aspects, including review of administrative decisions. That was a very hard case. Of course, I am pleased that the Supreme Court affirmed our decision all the way up – as pleased as I'm sure the trial court judge was. But the . . . .

Patricia Manoukian: Obviously an excellent job by . . .

Richard McAdams: That was . . . .

Patricia Manoukian: . . . everybody involved in that.

Richard McAdams: Alyce Prudden worked on that.

Patricia Manoukian: Yes.

Richard McAdams: She was . . . did the drafts on that with . . . . Your office was . . . . I think Justice Mihara was our third on that . . . 1:25:06

Patricia Manoukian: I can't remember . . .

Richard McAdams: . . . but our three offices really worked hard on that case.

Patricia Manoukian: It was a very strong collaborative . . .

Richard McAdams: Yeah, yeah.

Patricia Manoukian: . . . effort on that case. And another case that comes to mind that I want to ask you about is the *County of Los Angeles v. Glendora Redevelopment Project*, which was a change of venue from southern California having to do . . . .

Richard McAdams: That's always the first question, is what are we doing with this, you know?

Patricia Manoukian: Yes, what are we doing with this case here – with this huge humongous case with multiple boxed records, right?

Richard McAdams: I was down with . . . chasing my grandsons around to a big southern California water polo tournament that took us through Glendora, I think, just after that decision came out. And my son-in-law says, "Well, why would you be handling a case from Glendora?" I said, "Well, just . . . it sometimes works that way." But that was our first reaction. We picked up this huge case, and it was like, "Los Angeles? Well, how did this get to Monterey County?" Which is where the . . . where it was heard. It was sent up there because it was a city and a county having a battle. But, yeah, that was . . . that's interesting, in light – that was the "blight" case – in light of the . . . where, as we sit here today, where the redevelopment agencies . . . what's happened to them. I don't think that case had anything to do with it, but it . . . I remember, it did really . . . it challenged the notion of what is blight? What was the whole purpose of redevelopment and was it achieved by the . . . was a city achieving that at the expense of the county and probably some other agencies?

Patricia Manoukian: And it helped to define what blight is and was and how it was contemplated to be. So . . . .

Richard McAdams: Yeah, we came up with this great decision, and now there's probably no redevelopment agency left to apply it.

Patricia Manoukian: It was memorable! It was very memorable!

Richard McAdams: Now, one memorable case, though, was where – I have to raise – is my . . . where I dissented, for as long as I was here, and then finally wrote a majority opinion, only to have the California Supreme Court reverse me and agree with you and the others. But that was my view that juvenile adjudication should not be used as "strikes." And that was a great microcosm of work here, because, you know, we couldn't have disagreed more than that issue – you and others. I think only Justice Rushing and I took the view that challenged the adjudication. And we worked hard on that, we worked hard on that. It isn't as though you had a snap **1:27:41**

view or the others had a snap view and I had a snap view. We really anguished and worked the way through where I think each side respected the other side's point of view with saying, "Well, here's our . . . let's put it forward and ultimately the California Supreme Court's going to have to decide that." Now, maybe the U.S. Supreme Court. They almost took up a case last week to reconsider that, and then they were re-reconsidering their grant of . . . their writ of certiorari and decided not to. But it's still an issue that's percolating around. But . . .

Patricia Manoukian: And that case . . . .

Richard McAdams: I remember, not because it was . . . I was right and you were wrong or something like that, but just the process of it was another example where we respectfully disagreed with each other. And again, the "we" is just not the two of us here, but the majority of this bench. And . . . .

Patricia Manoukian: I will say, I was always excited when I got a huge civil case and you were on it, because I knew I would need to send you all the pleadings, the entire record, you would look at every page . . . .

Richard McAdams: Oh, it's the old trial court judges that, you know, if it's a summary judgment motion you don't want to read the whole thing. But, you know, I always would come over and pick up the . . .

Patricia Manoukian: Everything. Everything.

Richard McAdams: . . . summary judgment or a demurrer.

Patricia Manoukian: A demurrer. Everything!

Richard McAdams: I loved . . . . I had to read the complaint. I had to read the complaint.

Patricia Manoukian: Always such a great help.

Richard McAdams: Once a trial judge . . .

Patricia Manoukian: Always so careful.

Richard McAdams: . . . always a trial judge.

Patricia Manoukian: Always just a great contribution . . .

Richard McAdams: Well, thanks. Yeah.

Patricia Manoukian: . . . to all of our cases, and a great sense of support and helping to make our draft opinions better and better. Now you're also known as "The Mediation Judge," and you did something great here at the Court of Appeal.

Richard McAdams: Well . . . .

Patricia Manoukian: Can you tell us about that? **1:29:15**

Richard McAdams: Yeah, and again, not alone, not alone. Actually starting in Santa Cruz, the colleagues there were so supportive of mediation that they let the two civil judges have one week . . . each of us had a week off a month to do judicial mediation, and others would do our jury trials that week if we had them. Great commitment by the bench that they've carried on. Highly successful program, settled lots of cases. So now I've come to the Court of Appeal and I'm going to be handling the crème de la crème of the civil cases, in my view. And criminal, of course, but the civil is going to be . . . . Now I'm here in Silicon Valley and the high-tech world and leaving Santa Cruz and I'm going to be handling the best, with the best attorneys, right? Well, the first . . . . And there are plenty of examples of that happening. But the first civil case I picked up when I arrived here was one of those, "How did this case ever get this far?" It was just, you know, the amount of money involved, the issues involved. And I'm sure the trial court system did everything it could to try to settle this case, but it was just a pitiful, pitiful example of a case that could have been resolved at an early stage. Every . . . all of us would agree.

And so I felt there's a dedication at the court here to have a mediation program, and other districts had started up their programs, and with . . . very well funded, separate facilities, staffing. And we . . . . By the time we were interested in mediation, there was great interest in mediation if not strong encouragement from the AOC that we should have a mediation program, but it was clear that we were not going to get the facilities and the staffing anywhere near comparable. But eventually all of you were willing to delegate to me the task of seeing what we could do. So we went around and visited the other programs – borrowing the best, I think, of the other programs – with no budget, and set up a mediation program here. Our motto, remember, was, "It's never too late." I think we did a session on "It's never too late" in terms of mediating cases that are on appeal. Because it's true; it really is true. So we . . . . Eventually we were able to get some funds to remodel and provide a mediation center here and bring in volunteer attorneys, on a very small scale just to get started, where both sides agreed. And early on – early in the stages before initial briefing – stop the clock for a minute and bring them in. And we've been able to – at least on a small scale – create a successful program.

Patricia Manoukian: So it was . . . .

Richard McAdams: But I take . . . . I will take some . . . . I'll take as much credit as the . . . everybody else on it, because it really was a joint endeavor. I did some of the legwork and visited the programs or whatever, but again, it's the commitment of the court that matters the most.

Patricia Manoukian: Well, it has been said that on the day you were leaving us and retiring, that you were mediating a case. Is that correct?

Richard McAdams: *[laughing]* Well, I was. No. I'd actually . . . . And it was the Friday . . . . No, it was the . . . . Well, I forget where I was, but it had . . . it was within days of my departure, because I remember I did oral argument on a Thursday. And I actually had retired on Monday, but I had to come back and do an oral argument on a Thursday. But also that 1:32:56

week I was doing the mediation, the attorneys kept pressing me. It had to be . . . . It was the Friday after that, come to think of it. Because the attorneys said, "Well, can we come back on Monday." And I just kept saying, "No, we have to resolve this today," which is what mediators always say anyway. But . . . . You know, "We have to resolve it today." But I was *emphatic*. There was no Monday. And then I did not want to tell them that because I'm leaving . . . . At the time, I knew that I was going to retire and go to JAMS. But, as you know, that . . . you cannot publicly announce that. So I was refraining from telling them anything about anything. And then finally, though, when pressed and saying, "Judge, we've got to come in Monday; we can do this on Monday," and I said, "I won't be here. I'm retired," you know. "I'm out of here." And then one of them, I remember, left; he goes, "I bet you're going to JAMS," or something like that. Or "I bet you're going into private mediation." And I said, you know, "I'll let you know if I do," or something like that.

Patricia Manoukian: So did you settle the case?

Richard McAdams: Well, I did. So I left, and then off I go. I'm on a plane to . . . landing in Bangkok within, you know, three days after . . . you know, with the time difference and everything like that. It's probably . . . . Monday I'm in Bangkok, and of course with e-mail, I keep writing to them and pushing them along. So they don't know where I am, and there's quite a lag time in my responding. And finally they . . . when they wrote me back to say, "We've got it, we've . . . we're signing the papers today. And by the way, where are you?" and I said, "Well, I'm on a small ship off the coast of Vietnam." So "it's never too late."

Patricia Manoukian: It's never too late.

Richard McAdams: Never too late.

Patricia Manoukian: And you did . . . .

Richard McAdams: And that was . . .

Patricia Manoukian: . . . settle that case.

Richard McAdams: . . . a big appeal case. I mean, I kept it as a pro bono case . . .

Patricia Manoukian: Yeah, yeah.

Richard McAdams: . . . of course. And I've come back and I've done a few for you since then. But . . . .

Patricia Manoukian: Yes. And I know that we appreciate that.

Richard McAdams: Yeah, yeah. I and others, I and others.

Patricia Manoukian: Yeah. So why did you leave us? 1:34:49

Richard McAdams: Good . . . . You know, it's a good question. I'm still asked that, as early as yesterday by the person appointed, or nominated, to fill my vacancy. And I just don't have a good answer, I guess, other than the point is that I liked what I was doing but I'd . . . at a point where I could consider my options. It's my old . . . . Every birthday I look to see, you know, where am I going kind of a thing. Not quite that philosophical. But I think the birthday before, at 66, I was thinking about it and . . . because I told my attorneys that I was – secretly, privately, because they're at-will people (except for the central staff person). I wanted them to know, well in advance, that I was thinking about it. I did the same thing six months before, saying, "I really think I'm going to leave" at a time when I thought I'd have all my options open to me. I could start a rock and roll band, I could become a deacon at church, I could certainly do mediation work, go back into private practice with my daughter. I mean, all the options were open. Go be a Legal Aid lawyer again. Be a D.A. or a public defender. I mean, all the options that we . . . because I had such a full legal career. So I was mulling it.

I was given the . . . . I was informed that I was going to receive the Justice of the Year award from the trial lawyers here in town. And when I was preparing my remarks for them, it's the first time that it struck me that I'd spent half my life as a judge. And as I told them, I said, "You know, that's including nursery school, kindergarten, I mean my whole life" – almost . . . by then it was 33-1/2 of 67 years I'd been a judge. And I thought, "Well, that's kind of a nice time to go out." Now, as it turned out, as you know, as I was making the decision in the fall, some health issues came up. Nothing life-threatening or that I should be that disturbed about, but that I need . . . and I have addressed, and addressing. But that, even when it's not life-threatening or whatever, it does make you re- . . . makes you think about what you're doing, where you're going, what's your time. Well, that sounds a little too . . . you know. But just what are your priorities, I guess. And as much as I love this, my priorities would be – now as I was going to, you know, go on to 67-plus – is the grandchildren, travel, music, just taking it easy for a break. And like most of us, I started working with . . . doing little summer jobs at, what, 14 or 15. I mean, really, really as young as you can get. And it would just be a nice time to take a break. So it kind of all came together and was not really an easy decision to do. But once I made it, I felt pretty good about it, I really did. 'Cause I've got . . . . Look at how blessed I am. You know, how much more blessed . . . . And then also, somebody described it . . . it was . . . described it to me, saying, "Oh, is this your one-person stimulus program?" In other words, I leave, so I can give the job to somebody else who could then have their job filled by somebody else. I thought, okay, I'll go with that. But . . .

Patricia Manoukian: Now you . . . .

Richard McAdams: . . . you know, it's great. I mean, the nice thing now is . . . I mean, as much as . . . and I'm working and keeping as busy as I want to be, and that's my goal. But it *is* really nice that . . . . My daughter called this morning and Gigi, the little one, is going to be Little Bo Peep in a play some Thursday night hence. Yeah, I can get in the car, we can drive to Newport Beach or fly down there, go see Gigi in . . . playing **1:38:38**

Little Bo Peep. Not that I couldn't do that here, but certainly it's pretty hard to, at a moment's notice, say, "I'm going to miss oral argument today because, you know, something really important has come up in my family." "Oh, what is it?" "Oh, I'd rather not say." "Oh, Little Bo Peep, huh?"

Patricia Manoukian: But you're continuing to stay engaged in the law. You have more time for your family, your grandchildren . . .

Richard McAdams: Yeah.

Patricia Manoukian: . . . continuing to travel, do music, be involved in your church.

Richard McAdams: Yeah.

Patricia Manoukian: But you're also engaged in the law in that you're now working at JAMS?

Richard McAdams: Yes. Just down the street. I can . . . . We can see each other from our building. So I'm two blocks away, now, at the JAMS Silicon Valley Resolution Center is the official title now. And there with some, you know, old friends and colleagues from judicial education days – mostly Santa Clara County judges, as you know, but two former colleagues from Santa Cruz. And just a nice environment where I really can . . . . Now, I've spent some . . . . I've done work in San Francisco, Orange, Los Angeles. And I plan to work around the state if I can. Now, they've opened up an office in . . . offices in Rome and London and stuff, which . . .

Richard McAdams: Now, that might be . . . .

Richard McAdams: . . . which I asked . . .

Patricia Manoukian: Yes.

Richard McAdams: . . . you know, I asked about. But, yeah, I decided . . . . When I went again to the Retired Judges Program to really think, "Okay, now I've *really* got to think what I would like to do," I knew that I was going to spend at least a year – which I really have done – without rushing out and joining boards and picking major commitments because I wanted to keep things open. It was something I learned from my brother – who retired from Silicon Valley high-tech business at a comparatively young age – to not make commitments right away because you can fill your time. And then you kind of worry about breaking commitments. So I've been very careful, but I'm slowly, now, looking at different things such as senior citizens legal – helping them if I can. And . . . . But I wasn't really decided about private . . . . I didn't know whether I really wanted to do that. But the more I thought about it, as much . . . . I really *did* love mediation. And I might as well put myself out there and see, because for all of us who've done litigation – trial and appellate level – and dealt with conflict, we, you know, we know how rewarding it is to be a part of people settling the case. We know the advantages of it. You never have to convince any of us who were doing this . . . **1:41:16**

Patricia Manoukian: Right.

Richard McAdams: . . . about the advantages.

Patricia Manoukian: Right.

Richard McAdams: So to be able to do that, be handsomely rewarded for it, and then be backed up by a professional staff, professional facilities, I decided, "Let's do this." And I'm still free to do whatever I want. Also, I really liked their commitment to pro bono work – the encouragement that we have to do pro bono work. So I've done work for the Law Foundation over here, Silicon Valley. I volunteer down at Monterey County Superior Court; they send cases occasionally. I offered at Santa Cruz, but their . . . they have good . . . their civil cases are in good shape. So that's rewarding, too, to be able to still do pro bono work. And then of course I'm on the panel here.

Patricia Manoukian: You are, you are. And I know you've helped us out. Well, what do you see as your most . . . as your achievements that you're most proud of?

Richard McAdams: Well, I mean, it starts with the appellate court. I mean, that is a crowning achievement for a . . . I think for any of us to be called up to handle the most important cases that . . . as a practical matter, the 95 percent most important cases in the state. That stands head and shoulders above. I'm really proud of my, I think, my family life – you know, to be blessed by wonderful [*choking up*] parents, grand . . . . You know, my parents worked so hard. They struggled. My grandparents – my mother's parents – immigrated from Italy, and it was a hard life. They had really a hard life: Depression, the wars. Really a hard life. So to be surrounded by them . . . . Now, my parents were married for 60-plus years before my dad passed away. And I always tell the story, too, that my – you remember me telling this – that my . . . the greatest fan for me getting this appointment – I think she must . . . she probably called the Governor's Office every day – was my mother, who was in . . . living in assisted living in Saratoga. Because it was a joy; I was over here every day . . . .

Patricia Manoukian: So I think . . . .

Richard McAdams: Ten-minute phone call away from her to take her to the doctor, to . . . besides visiting. So that was one . . . . So blessed . . . . I'm blessed by that family, and that strong . . . . Claire is such an anchor of the family – definitely the matriarch.

Patricia Manoukian: Well, I know how close you were to your mother . . . .

Richard McAdams: Yeah.

Patricia Manoukian: . . . and I know how often you visited her, and . . . .

Richard McAdams: Yeah.

Patricia Manoukian: . . . what a great . . . . 1:43:46

Richard McAdams: Both of us have lost our mothers. It's . . . . You don't get over it. I just had a neighbor lost her mother last week, and I said, "You know, it's hard."

Patricia Manoukian: It is.

Richard McAdams: Fathers, too, but . . . .

Patricia Manoukian: Fathers . . . .

Richard McAdams: Now, on the other side, my father's twin brother . . . . This is . . . . I focus on this person, 'cause my mother lived till 93 or so, but my dad's twin brother turned 97 a few weeks ago, so . . . . He's still in Pasadena – Richard – going strong, so . . . .

Patricia Manoukian: I know how important your family is to you and how much support they gave you and you give to them. You have a *wonderful* wife, beautiful daughters . . .

Richard McAdams: Well, thanks.

Patricia Manoukian: Fantastic grandchildren.

Richard McAdams: Both of us were blessed with these wonderful families. And our faith foundation, I think, is a large part of that. You know, again, something I don't boast or brag about but constantly remind myself how fortunate I am that I have a faith and a faith community that is such an instrumental part of my life. I think just this week we were laughing because we ended up doing music and church events – "Music at Church" events – for, I think, four days in a row besides Sunday mass. But Tuesday night was . . . . the bishop came for Confirmation, with 51 kids from three of the parishes around our area. And then Monday was Memorial Day, and just every day was something, because we have this wonderful faith community that is such an important part of our lives. And then our . . . . Of course, the children and grandchildren are all part of that global blessing that we have.

Achievements, I go back again to the Senior Citizens Legal Services because it was such a great idea that we conjured up and that we made happen, and that it still exists. It still has survived and still serving the elderly. I'm always proud of that.

Patricia Manoukian: Well, your legacy really includes that, your family, your work in the trial court, your many cases, both published and not published. Is there anything else you see as your legacy? The mediation program here?

Richard McAdams: Well . . . .

Patricia Manoukian: Your constant pro bono work?

Richard McAdams: Yeah, I mean hopefully . . . . I guess I'll leave others to try and maybe fill in all those blanks. But just things . . . . We're talking again, the **1:46:02**

gift that I've had . . . gifts that I've received all along the way. I mean, law school with the law firm, the mentoring along the way, the teachers. I mean, an 8<sup>th</sup> grade teacher who came to my muni court swearing-in because she and my parents . . . . I was not the best of kids in junior high – not that any of us were, but . . . . I wasn't *that* bad, I wasn't a . . . . Because Claire and I were talking about it this morning. I wasn't like a bully or anything like that, but just a goofball. A total goofball. But this teacher had faith in me and always saw me through. So those people along the way. My parents, grandparents [*chokes up*] – those are gifts that people have . . . you know, they've made me what I am. I wouldn't be here. We wouldn't be having this interview but for that string of people, you know.

Patricia Manoukian: And the strength . . .

Richard McAdams: . . . Yeah, yeah.

Patricia Manoukian: . . . . and the foundation of those wonderful people.

Richard McAdams: Yeah.

Patricia Manoukian: Well . . . .

Richard McAdams: You don't think about it too much. You sit here . . . . For others, wait until you're sitting in the chair thinking back about this, as I well up from . . . . There's some good people along the way.

Patricia Manoukian: So obviously your heroes . . . . I was going to ask you about your heroes. Obviously your parents and grandparents, your wife, your children.

Richard McAdams: Sure.

Patricia Manoukian: Other heroes that you'd like to . . . .

Richard McAdams: You know, I remember thinking about that in terms of – besides the list that I'm giving there in terms of personal heroes – but in terms of . . . from . . . in the law, there are a lot of great characters of . . . people with great character, judges and lawyers through all the history that I took a lot from. They weren't necessarily . . . . I'll first start with the not necessarily heroes, but just the interesting things that I learned along the way, I guess. Because people perceived to be heroes . . . . For example, at Hastings we'd go over and watch the trial courts, because if somebody like Melvin Belli was trying a case, you'd go over as a law student and go watch them. And I watched some of these great trial lawyers in San Francisco, who . . . with this great reputation, very heroic personas, who . . . . And you watch them try a case, and what I learned from them is not their bloviating personalities or attention-grabbing egos or anything like that. *They were prepared.* Behind all that façade or whatever, they knew their cases inside and out. So that *concept*. If not Melvin Belli or some other character like that – Perry Mason, or whatever like that – were the heroes to us when we were thinking about law school. Because I wanted to be like those guys. "I want to go into a trial, and I want to be the trial lawyer." So that was kind of heroic in a . . . maybe a 1:48:51

little bit of a comic book sense. But the other part I learned is that they were prepared. They were not just bravado.

But in terms of the . . . what I looked at at the hero, what I've cited before is, what I thought were judicial heroes were the judges who really had to make the most difficult decisions. And I . . . . Not just the life-and-death decisions or Supreme Court decisions or something that I greatly respected. But I was . . . I always have thought of the judges, particularly in the South, who had to make decisions, say, in civil rights areas. Some decision that was . . . that the vast majority of the population would be displeased with the . . . if not out angry and threatening. And yet they had the courage to make those decisions. That's remarkable. I like to think I could do . . . could have done that, but . . . and could . . . and did do that in some ways, but those are pretty remarkable people.

Patricia Manoukian: Well, I think having served with you on so many of these cases, you *did* do that. And your work is published and unpublished and well respected for years and years to come.

You know, in closing this interview . . .

Richard McAdams: Well, thanks.

Patricia Manoukian: . . . I'd like to ask you to share your thoughts or tell us what you'd like the legal community and the general public to remember about you as they watch this interview, and as your great-grandchildren and great-great-grandchildren watch this interview. What thoughts would you like to share?

Richard McAdams: Oh, gosh. I guess you always want to be known for fairness. That probably stands out the most. And that you were hardworking, that you worked hard to get the right result. That your goal was always to do justice to get the right result. It's something that I know that we have talked about all the time here. You want to get it right. So hopefully . . . . Not that we . . . I always got it right, but that that was the prize out there – that was the goal that . . . to be achieved. I would hope that. I hope that people felt that they got their day in court. One of the nicest compliments one can receive as a judge is, people would come up, within a small community, to say, "You know, you were my judge in a case back some years ago, and, you know, I didn't win, but I thought you were fair. I thought you gave me a . . . you gave me my chance to present my case." That's a . . . . What a great compliment from some person off the street. It's a . . . . I think we . . . . Hopefully to be remembered by. To be remembered by at least that you didn't act in a way that . . . where you felt that you were better than other people, superior to other people. I mean, there are unfortunately some judges and public officials, other people in positions of power, that it may go to their head a bit. All of us have that danger. All of us have the risk, I think, when we're here. But hopefully one is able to be remembered for being a good listener and being approachable and not being a person who's haughty or removed or treating people like . . . . Well, you know, the classic: treating **1:52:27**

people the way you'd want to be treated yourself. I hope I did achieve that, and hopefully will keep doing that in my mediation/arbitration field.

Patricia Manoukian: So, Rich, in addition to being known as "The Marrying Judge," "The Traveling Judge," "The Grandfather Judge," "The Mediation Judge," "The Family Judge," "The Musical Judge," "The Fun Judge," "The Education Judge," you're also known as – and will be remembered as – a humble judge, a hardworking judge, and a judge that we will miss forever. Thank you for the opportunity to conduct your interview.

Richard McAdams: Well, thank you. I miss you. I miss you guys.

Patricia Manoukian: I miss *you!* I miss *you!*

*Duration: 113 minutes*  
*June 1, 2012*